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Committee on the Elimination of Discrimination against Women

Concluding observations on the combined eighth and ninth periodic reports of Ecuador

Addendum

Information provided by Ecuador in follow-up to the concluding observations*

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Acronyms

AMJUPRE	Association of Women on Parish Councils in Ecuador
ANE	National Assembly of Ecuador
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CES	Higher Education Council
CJ	Council of the Judiciary
CNIG	National Council for Gender Equality
CNII	National Council on Intergenerational Equality
CNIPN	National Council for Equality of Peoples and Nationalities
COIP	Comprehensive Organic Criminal Code
CONADIS	National Council on Disabilities
COOTAD	Organic Code for Territorial Organization, Autonomy and Decentralization
CORDICOM	Council on the Regulation and Development of Information and Communication
CPCCS	Citizen Participation and Social Oversight Council
CRE	Constitution of the Republic of Ecuador
CRS	Social Rehabilitation Centre
DECE	Student Counselling Departments
DEVIF	Department of Domestic Violence
DINAPEN	National Directorate of Specialized Police for Children and Adolescents
DINASED	National Directorate of Crimes against Life, Violent Deaths, Disappearances, Extortion and Kidnappings
DNDHGI	National Directorate for Human Rights, Gender and Equality
DNPNAS	National Directorate of Tier 1 Health Care
DNVIG	National Directorate of Domestic Violence and Gender
DP	Office of the Public Defender
DPE	Ombudsperson's Office
ENIPLA	National Intersectoral Family Planning and Prevention of Teenage Pregnancy Strategy
FGE	Office of the Attorney General (Fiscalía General del Estado)
HIV/AIDS-STIs	Human immunodeficiency virus infection and acquired immune deficiency syndrome/Sexually Transmitted Infections
IAEN	Institute of Higher National Studies
INEC	National Institute of Statistics and Censuses

JRC	Conflict Resolution Board
LGBTI	Lesbians, gay, bisexual, transsexual, intersex
LOEI	Intercultural Education Organization Act
LOSEP	Public Service Organization Act
MAIS	Comprehensive Health Care Model with a Family, Community and Intercultural Focus
MCDS	Ministry of Social Development Coordination
ME	Ministry of Education
MICS	Ministry of Security Coordination
MIES	Ministry of Economic and Social Inclusion
MINEDUC	Ministry of Education of Ecuador
MJDHC	Ministry of Justice, Human Rights and Worship
MREMH	Ministry of Foreign Affairs and Human Mobility
MSP	Ministry of Public Health
OAC	Citizens Assistance Office
PAE	Strategic Plan of Action
PCIC	Continuing Comprehensive Training Programme
PEAS	Strategic Social Action Plan
PEP	Post-exposure prophylaxis
PF	Family Plan
PNE	National Police of Ecuador
PNEVG	National Plan to Eradicate Gender-Based Violence Against Children, Adolescents and Women
PNVB	National Plan for Good Living
SATJE	Automatic System for Judicial Proceedings in Ecuador
SECAP	Ecuadorian Vocational Training Service
SENESCYT	National Secretariat of Higher Education, Science, Technology and Innovation
SEPE	Specialized Special Protection Service
SIS ECU-911	ECU 911 Integrated Security Service
SNGP	National Secretariat for Policy Management
SPAVT	National System of Protection and Assistance to Victims, Witnesses and Other Participants in Criminal Proceedings
UN-Women	United Nations Entity for Gender Equality and the Empowerment of Women

UNICEF	United Nations Children's Fund
UPC	Community Police Specialized Unit
UTPR	Childbirth and Postpartum Recovery Unit
UVC	Community Policing Units
WDL	Women deprived of liberty

Introduction

1. In 2015, in document CEDAW/C/ECU/CO/8-9, the Committee on the Elimination of Discrimination against Women issued its observations on the combined eighth and ninth periodic reports submitted by the Ecuadorian State in 2013.

2. In that document, the Committee requests the Republic of Ecuador to provide, within two years, information on the steps taken to implement the recommendations contained in paragraphs 21 (a), (b) and (d) regarding statistical data on violence against women, the National Plan for the Eradication of Violence against Women and State-funded shelters for victims of domestic violence, respectively; and in paragraph 33 (c) regarding decriminalization of abortion in cases of rape, incest and severe foetal impairment.

3. Complying with that international obligation, the Republic of Ecuador hereby provides the following information.

4. As part of the Ecuadorian State commitment to the Committee, in 2015, the Ministry of Justice, Human Rights and Worship (MJDHC), the Ministry of Foreign Affairs and Human Mobility (MREMH) and the National Council for Gender Equality (CNIG) designed the Mechanism for Follow-up to Implementation of the Recommendations of the Committee on the Elimination of Discrimination against Women as an appropriate, relevant and effective strategy for honouring the commitment to women's rights.

5. This mechanism comprises State institutions directly competent to act on the Committee's recommendations. It is coordinated by a Unit made up of MJDHC, MREMH and CNIG as a technical tool for following up on and monitoring compliance with the Committee's recommendations to Ecuador. It establishes concrete opportunities for intervention at both a technical and a strategic policy level, with a view to harnessing the commitment of all State entities and working to ensure that Ecuador complies with the obligations it has entered into. This mechanism is also designed to enhance inter-agency gathering of the information needed to prepare the report to be submitted to the Committee.

The recommendation contained in paragraph 21

6. The Committee, recalling its general recommendation No. 19 on violence against women (1992), urges the State party

(a) To continue its efforts to improve the systematic collection of data on violence against women, disaggregated by age, type of violence and relationship between the victim and the perpetrator.

7. The National Plan to Eradicate Gender-Based Violence Against Children, Adolescents and Women (PNEVG), in effect since 2008, has served as a mechanism linking the entities making up the Inter-Agency Coordination Commission (MJDHC, the Ministry of the Interior, the Ministry of Health, the Ministry of Education, the Ministry of Economic and Social Inclusion and the National Councils for Gender and Intergenerational Equality), as well the judicial and legislative branches of government and other government offices (since 2014).

8. Thus, in respect of the Plan's focus on developing a single register, progress has been made with strengthening the administrative records of certain parts of the executive branch, such as the Ministry of Health and the Ministry of the Interior. With regard to the judiciary, thanks to the judicial reform process in Ecuador, the institutions comprising it (the Council of the Judiciary, the Office of the Attorney

General and the Office of the Public Defender) have implemented institutional policies and mechanisms to ensure that appropriate records are kept of judicial proceedings that have a particular bearing on women's demands for justice.

9. Since 2012, the Ministry of Public Health has been keeping a "Daily Automated Record of Outpatient Consultations and Care (RDACAA)"[1] in order to gather and centralize health sector outpatient consultation and care data and the epidemiological profile at different levels of care and thereby facilitate statistical analysis.

10. With regard to gender-based violence, this tool serves to record health care provided in cases of physical, sexual and psychological violence and as a source of information disaggregated by sex, age, ethnicity, origin, nationality, sexual orientation and gender identity. It also records and provides data on initial and subsequent consultations based on the International Classification of Diseases and Related Health Problems (ICD-10).[2] Finally, this information serves to analyse the epidemiological profile by taking into consideration the impact of gender-based violence on women's health and to formulate informed public policy strategies.

11. As of 2016, the information is processed and validated on a quarterly basis and published in June and end-of-year data are processed in December. They are then posted on the Ministry of Public Health website[3] in January of the following year, after being approved by the National Institute of Statistics and Censuses of Ecuador (INEC). Thus, this is information that can be used and applied in decision-making.

12. This daily treatment records system allows gender-based violence data to be disaggregated as follows:

- Number of treatments, by type of violence and gender and province of habitual residence of the patient.
- Number of treatments, by type of violence and gender and province where the health care establishment is located.
- Number of treatments, by type of violence and gender and area where the health care establishment is located.
- Number of treatments, by type of violence and ethnicity (ethnic self-identification of the patient).
- Number of treatments, by type of violence and age of the patient.
- Number of (initial and subsequent) morbidity and prevention treatments, type of violence.
- Number of treatments by type of violence and cause.
- Number of treatments, by district.

13. For its part, since 2011, the Ministry of the Interior has been using the DAVID System to generate analysis of the causes and risk factors associated with violence in Ecuador. As of 2016, in response to the need to ascertain and analyse the causes and factors leading to domestic violence (physical, psychological, and sexual mistreatment), and in an effort to support and strengthen the Department of Domestic Violence (DEVIF), the Ministry arranged for data on this social issue to

[1] Based on Ministerial Agreement 01034 and Official Record 2687. This Register is connected to the National Statistics System.

[2] International Classification of Diseases of the World Health Organization (WHO), 10th Revision.

[3] The information is available to the public on the Ministry of Public Health website, at the following link: https://public.tableau.com/profile/andres.hualca8739#!/vizhome/ProduccindeatencionesyconsultasambulatoriasMSP2015V3COMPLETO/Men.

be fed into and systematized by this System, based on information provided by public prosecutors' offices and the judiciary on alleged offences against women and other members of the nuclear family.

14. Thanks to the use of this technological tool, a database is being generated with real-time, accurate and spatial information on domestic violence incidents nationwide. That information facilitates correct analysis of incidents, the compilation of statistics and data on georeferenced incidents geared to the implementation of strategies and a reduction in the domestic violence that can sometimes result in femicide.

15. For in-house users, this information is on-line to support administrative decision-making. Nationwide, it describes the main features of each incident, with all the available breakdowns of the data.

16. The Ministry of Education has a system for registering complaints filed in the educational system with the Citizen Assistance Management Module. Those complaints are classified under the following categories: school bus complaints, improper charges, injuries, sexual offences, psychological mistreatment, miscellaneous complaints to private institutions, and misuse of authority. That information is for internal use by the Ministry for analysing the types of offences committed or detected in the educational system.

17. In order to guarantee educational environments free from violence and reduce levels of impunity, the Office of the Attorney General, the Ministry of Education and the Council of the Judiciary have signed a Tripartite Agreement designed to provide response, protection, investigation and immediate, appropriate restitution services with a rights-based approach and avoid the revictimization of children and adolescents who are victims of sexual and gender-based violence. Under this Agreement, a single register is kept of offences against children and adolescents detected or occurring in the educational system.

18. For its part, the Council of the Judiciary (CJ) has its Automatic System for Judicial Proceedings in Ecuador (SATJE), which is the computerized repository of all judicial proceedings nationwide. Through this system, information is obtained for systematizing data on violence against women and members of the immediate family, such as physical violence, psychological violence, sexual violence, physical violence infractions, femicide, attempted femicide, and offences against sexual integrity (sexual harassment, statutory rape, sexual assault and rape). By reviewing the information, it is possible to extract data classified by age, type of violence, and the relationship between perpetrator and victim. The system has a special random distribution of judicial cases module, which can be accessed with a citizen's I.D. number to obtain certain basic information about a complaint. The information is kept confidential only in cases of offences against sexual integrity and of trafficking and exploitation of persons.[4]

19. Supplementing the above, and with a view to optimizing the systematization of statistical data, in last quarter 2016, the CJ began developing a statistical tool based on international information-gathering standards, using information provided by judicial units specializing in violence against women or members of the nuclear family; multipurpose judicial units; family, child and adolescent units; and criminal law judicial units competent to hear gender-based violence cases.

20. This additional tool, which is still being developed, will make it possible to extract case data classified according to type of offence related to violence against

[4] SATJE can be consulted at the Council of the Judiciary website at: http://consultas.funcionjudicial.gob.ec/informacionjudicial/public/informacion.jsf.

women and members of the nuclear family, details of the victim's and the perpetrator's profiles, the current stage of proceedings and protection and reparation measures. One additional function of the new tool will be to provide judges with a checklist to verify that sentencing standards have been met. Discussion of the new tool is scheduled for 2017.

21. Since 2012, the Office of the Attorney General has been implementing the institutional management model of the Comprehensive Care System, a process that, for the first time in Ecuador, allows for the recording, oversight and management of criminal news items nationwide. The persons receiving citizens' complaints have legal status and are trained to record citizen security variables, so that INEC has certified their work as a statistical procedure and authorized the Office of the Attorney General to provide official information to the Special Inter-Agency Commission on Citizen Security and Justice.

22. In respect of gender-based violence, the Office of the Attorney General has three further tools at its disposal: (a) a database originating in news items on such offences, with variables disaggregated by sex, age, and legal definition; (b) specific matrices containing the variables of the criminal offences investigated by prosecutors' offices specializing in gender-based violence, including the relationship between victim and perpetrator, contexts in which violence against women occurs, and other factors; and (c) a geoportal for accessing information on the incidence of offences nationwide.

23. In addition, for human trafficking, femicide and sexual offences in the educational sphere, an interdisciplinary team feeds data into a specialized database on the components of each legally defined offence that can then provide reports every four months on developments in the incidence of those offences. That information serves in turn as a basis for decisions aimed at improving responses prior to and during criminal procedures, as well as victim protection.

24. The Office of the Public Defender of Ecuador has a management system (SGDP) installed in each of its service units that ensures that the defenders themselves enter the data corresponding to each of the cases they handle. That system has been updated since the beginning of 2016 for inputting information and following up on cases handled in the Victims Unit, which handles cases of violence against women and members of the nuclear family. The system encompasses all relevant legal information on cases involving violence, making it possible not only to keep reliable statistics but also to keep track of cases.

25. The SGDP information comprises fields providing data on the users and on the legal activities undertaken by the Office of the Public Defender. The reports produced by the system make it possible to conduct ongoing analysis of the work done by the defenders and of the demand for the services that the Office of the Public Defender offers to users. The information generated comes in reports requested of the Office and in its annual activity and accountability reports.[5]

26. At the same time, CNIG is encouraging and lending assistance to the Special Commission on Citizen Security and Justice Statistics, headed by INEC and the Ministry of Security Coordination,[6] in the efforts to adopt a femicide indicator and include it among the offences with the largest psychosocial impact on the country, which are regularly monitored for decision-making purposes at the highest level of government.

[5] Posted on the website: www.defensoria.gob.ec.

[6] A body formed to coordinate and standardize the methodology for producing official citizen security and justice statistics that can be user to craft, implement and evaluate public policies in this field.

27. In that context, toward the end of 2016, Ecuador embarked on a review of the database recording violent deaths used by the Ministry of the Interior and the database recording femicides used by the Office of the Attorney General, in order to ascertain the information that each institution was handling and reporting and, based on the findings, to propose ways of improving the records and including variables that would enable us to characterize the victim, the perpetrator, the deed committed, and the relationship between the victim and the alleged perpetrator.

The Committee recommends that the State party:

(b) Expedite the adoption of a comprehensive national action plan for the elimination of violence against women that covers the prevention of all forms of violence against women, including physical, psychological and economic violence, with an appropriate budget and time frames and that provides for awareness-raising and education programmes

28. Under the PNEVG, there were inter-agency efforts to combat gender-based violence by designing a 2015-2017 Strategic Action Plan that will ensure coordination and appropriate and effective investment of the resources available. Furthermore, to ensure even more comprehensive government engagement with this issue, a National Pact for the Eradication of Violence against Women Was achieved, involving all five functions of the State (annex 1).

29. One of the activities being carried out under the PNEVG is territorial implementation of the National Plan for the Eradication of Violence in the provinces by organizing 12 inter-agency round tables attended by representatives of State offices at the national and provincial level. The provincial round table discussions, chaired by MJDHC, make it possible to debate matters relating to violence prevention and to monitoring of and compliance with the strategic actions of the Plan at the local level, especially with a view to ensuring compliance with due process and support for restoring the rights of victims and their families.

30. At the same time, a System for Monitoring and Evaluating the 2015-2017 Strategic Action Plan was devised with the active participation of the bodies forming part of the Plan. This system will track performance of the various strategic actions and targets that the institutions involved in the Plan have undertaken to carry out and achieve by 2017, thereby contributing to the lines of action and strategic and specific objectives envisaged in the PNEVG 2015-2017 Action Plan, updated in 2015. This system for monitoring and evaluating the Plan will also serve to provide the key information needed for making appropriate decisions aimed at further strengthening implementation of the Plan nationwide (annex 2).

Significant actions under the National Plan to Eradicate Gender-Based Violence against Children, Adolescents and Women

31. The following information is meant to show each institution's efforts within its particular sphere of competence.

Campaigns to transform social and cultural patterns

32. With a view to raising awareness in society as a whole of the long-term goal of transforming sociocultural patterns, campaigns have been conducted to highlight the issue of violence, dissect the different types of violence and their causes and sensitize people to the need for a change of attitude as a prerequisite for transforming the sociocultural patterns relating to gender-based violence. These awareness-raising campaigns are:

- "Not One Case More! Education without Sexual Violence" (Ministry of Education, 2014)
- "Learn, Speak and Act" Billboards, television spots and radio slots (Ministry of Justice, Human Rights and Worship, 2014-2015), costing approximately 1,104,318.35.
- Promotion of the 1800 DELITO hotline in connection with the presentation of the Brazilian novel "La Guerrera" (Ministry of the Interior, 2015)
- Information Campaign on Trafficking in Persons via social media (Facebook and Twitter). "No more blind eyes. Trafficking is a Crime" (Ministry of the Interior, recurrent).
- The "Tejiendo mis Derechos" [Weaving together my rights] campaign against gender-based violence. This campaign disseminated women's rights protected under Ecuadorian law with a view to achieving gender equality. It ran from 8 March to 18 May 2016, with 2,800 social organizations participating in 221 cantons, in all of the 24 provinces in Ecuador (National Assembly, 2016)

Instruments and actions focusing on prevention and response

33. Institutions have been taking on responsibility for ensuring appropriate, comprehensive protection by embarking on the following initiatives.

34. MJDHC, with the support of EurosociAL[7] and the participation of the institutions involved in PNEVG developed the Comprehensive Care Protocol for victims of gender-based violence that will enhance inter-agency coordination in cases of gender-based violence against children, adolescents and women.

35. For their part, the Ministry of the Interior and the National Police carried out several joint actions including, in particular, publication of the second edition of the Human Rights Handbook for Police.

36. To ensure consistency with the new Comprehensive Organic Criminal Code, updated instructions were given on how to implement the Care Protocol for victims of domestic violence for the National Police and the police department specializing in domestic violence cases, DEVIF,[8] as well as the protocol followed by the ECU 911 hotline response teams. Institutional virtual platforms were also used to promote the sensitization of public servants.

37. There is also the "1800 DELITO" (1 800 335486) telephone line, created to provide a technological tool for eliciting relevant information from the general public regarding offences committed and for identifying and locating offenders. This line operates uninterruptedly (24/7) every day of the year. It offers complete confidentiality to persons providing any kind of information or filing complaints. Following dissemination of the service, the number of complaints increased by 60 per cent.

38. Personal alarm devices were handed out in Community Policing Units all over Ecuador to victims of domestic violence. That system was developed as a crime and violence prevention strategy to broaden opportunities for intervention and control

[7] EUROsociAL is a European Commission programme for cooperation between Europe and Latin America. Its goal is to contribute to changes in public policies that enhance social cohesion through peer-to-peer learning and experience exchanges between counterpart institutions in the two regions.

[8] Nationwide, there are 55 specialized units of the Department of Domestic Violence (DEVIF) of the National Police of Ecuador.

over factors triggering insecurity. In 2014, 10,137 domestic violence incidents were reported; in 2015, 9,763; and in 2016, 7,551.

39. Three operational stations were set up under the National Plan to Combat the Trafficking and Smuggling of Persons to address prevention, protection and investigation/punishment. The institutions heading each station are: the Ministry of Tourism and the Ombudsperson's Office (prevention); MIES and the National System of Protection and Assistance to Victims, Witnesses and Other Participants in Criminal Proceedings (SPAVT) — Public Prosecutors' Office (protection); and the Public Prosecutors' Office (investigation/punishment). The investigation and punishment station embraces the view that the core concern is the victim and her or his very special condition and situation in accordance with the Ecuadorian penal reform process, which defines trafficking in persons as a crime that severely impairs the human rights of victims.

40. At the same time, the National Plan to Eradicate Sexual Offences in the Education System (Ministerial Agreement 340-11 of 30 September 2011) prompted the signing (on 3 December 2012) of the tripartite agreement between the Public Prosecutors' Office, the Ministry of Education and the Council of the Judiciary to conduct, within their constitutional and legal spheres of competence, the coordinated actions mentioned in recommendation 21 (a).

41. Concomitantly, and pursuant to the Intercultural Education Organization Act (LOEI) and its implementing regulations, Conflict Resolution Boards were established at the district level and charged with, inter alia: (a) managing and monitoring cases reported to the District-level Conflict Management Board pursuant to LOEI; (b) keeping full-time track of human rights violations occurring or detected in educational establishments; and (c) guaranteeing compliance with the roadmaps and protocols established to deal with the various social issues arising in educational institutions.

42. The empowerment of the Ministry of Public Health to guarantee the right to health through the provision of individual, family and community health care services, disease prevention and the promotion of health and equality paved the way for the issuance of the Technical Standards for a Comprehensive Response to Gender Violence (Ministerial Agreement No. 005198), the key purpose of which is to standardize comprehensive health care in cases involving gender-based violence; provide technical tools to facilitate care for health care users who are victims of gender-based violence; take basic steps to coordinate, structure and improve inter-agency resources; and facilitate access to the justice system for victims of violence. Among other things, the standards envisage

- Forming/strengthening response teams comprising a doctor, psychologist, nurse, and social worker;
- Universal screening protocols;
- Special screening protocols for children and adolescents;
- Domestic violence screening protocols;
- Special screening protocols for older persons;
- Roadmap for attending to victims of gender-based violence;
- Expert appraisal protocol for cases involving sexual violence.

43. There were 24,300 cases of gender-based violence treated in Ministry of Public Health facilities (at all levels or tiers) in 2015, including 5,202 cases of physical violence against women and 1,621 against men. There were 8,670 cases of women being treated for psychological violence, compared with 3,410 cases of men

in the same category. As for cases involving sexual violence, 4,654 women received treatment in 2015, compared with 751 men.[9]

44. To boost implementation of the Technical Standards for a Comprehensive Response to Gender Violence, an online course on gender-based violence was devised for doctors, nurses, caregivers, and gynaecological, obstetric, psychological, administrative and other personnel. By June 2016, nationwide, 33,378 health professionals had received training.

45. In 2016, the Guidelines on "Confidentiality: A Health Care Right" were distributed to all nine health care coordination areas and in all operational units, so that 99.3 per cent of districts and 84.24 per cent of health care establishments now have it.

Actions undertaken in connection with the April 2016 emergency

46. During the April 2016 emergency following the earthquake in the provinces of Manabí and Esmeraldas, all Government services were activated to provide immediate attention in shelters and thereby prevent any acts of gender-based, especially sexual, violence. Within the framework of the National Plan to Eradicate Gender-Based Violence, efforts were made to strengthen the capacity of public servants to attend to cases of gender violence in shelters. To that end, the following steps were taken:

- Immediately following the earthquake, the Office of the Attorney General headed efforts to identify those killed by it and to establish judicial response capabilities, using public prosecutors seconded to the hardest-hit cantons.
- Guidelines to prevent, detect and handle cases of gender-based violence.
- Training for facilitators to enable them in turn to train and/or sensitize the government personnel working in the institutions active in shelters.
- Training for comprehensive and specialized teams in the care centres providing services to shelters.
- Prevention work with the community housed in shelters, which included children, adolescents and women, provided by civil society organizations (Care Centres) co-financed by MJDHC.
- Referral of gender-based violence cases to the centres that had entered into agreements with MJDHC and referral of cases involving mistreatment of children and adolescents to the Specialized Special Protection Services (SEPES) of MIES.
- Public awareness campaigns to discuss the issue and highlight what the State was doing to prevent and mitigate the violence (mainly for the population in the shelters and the families that took people in).

47. In that emergency scenario, the National Council for Gender Equality, in coordination with the "Universidad Púrpura" Group of the School of Social Communication of the Central University of Ecuador and with support from UN-Women and the United Nations Population Fund, designed the "Solidarity with Equality" and "Let's Reconstruct with Equality" educational awareness campaign, aimed chiefly at preventing gender-based violence and promoting the rights of the population hit by the emergency, especially women, children, adolescents and the lesbian, gay, bisexual, transsexual and intersex (LGBTI) community.

[9] RDACAA — MSP. https://public.tableau.com/profile/andres.hualca8739#!/vizhome/ProduccindeatencionesyconsultasambulatoriasMSP2015V3COMPLETO/Men.

48. The first phase of the "Solidarity with Equality" campaign comprised radio slots designed to promote the rights of girls, women and LGBTI persons in emergency situations, which included the right to a life free from violence and content geared to preventing gender-based violence and discrimination against women, children, adolescents and LGBTI persons.

49. The second phase of the campaign, entitled "Let's Reconstruct with Equality", comprised educational awareness-raising activities using artistic caravans directed towards preventing gender-based violence, on behalf of the shelters organized by the State and in areas hit by the earthquake in the province of Esmeraldas.

Access to administration of justice

50. To improve access to justice for victims of gender-based violence, in connection with the PNEVG the Council of the Judiciary has taken a number of steps, including:

(a) Following up on and monitoring reception of complaints and the granting of protection measures in judicial units combating violence against women and the family and in all other units empowered to address violent deeds and acts;

(b) Training the public servants that are the first to receive victims of gender-based violence in such matters as: (a) victims' rights; (b) the rights of parties to judicial proceedings; and (c) the way judicial proceedings operate;

(c) Implementing translator/interpreter facilities for cases involving violence;[10]

(d) Training judges in criminal justice matters; gender-based violence and the risks associated with it; and comprehensive reparation for victims.

51. As part of its organizational structure the Council has a National Sub-Directorate on Gender, a specialized unit of the National Directorate for Access to Justice Services, which is charged with implementing gender mainstreaming in the justice system and in the administrative offices of the judiciary, in such a way that all justice system operators espouse a gender approach and apply it in their work (annex 3).

52. The gender component is built into the current organizational structure of the Council and there has been a significant increase in the number of women judges. Thus, in 2010, 206 of the 1,160 judges were women, whereas today 40 per cent of the 1,996 comparable positions are held by women: an increase of more than 300 per cent. In addition, two of the five judges on the Council are women (annex 4).

53. As regards its budget, the Council has allocated funds to cover the operations of 30 units specializing in violence against women and the family and of 142 units competent to hear cases of violence against women or members of the family. Since 2013, the Council has invested, on average, US$7,452,684 on first instance judges specializing in violence, ancillary judicial personnel, forensic doctors and psychologists and social workers.

54. Also worth noting is the investment (currently US$24,199,128 a year) in the judges, judicial auxiliaries and technical teams working in units specializing in the family, women, children and adolescents and in staff with multiple criminal justice and penal qualifications who are competent to hear cases of violence against women

[10] There are currently 10 CJ-certified professionals performing expert interpreter and translator functions in cases in which their services are required, including cases alleging violence against women or members of the nuclear family. Information regarding them can be found at: http://appsj.funcionjudicial.gob.ec/perito-web/pages/peritos_nacional.jsf.

and members of the nuclear family. In other words, the Council currently spends a total of US$31,651,812 on personnel working on gender-based violence issues (annex 5).

55. In addition to the prevention-related tasks referred to in the PNEVG, the Council has undertaken, within its own sphere of competence, supplementary actions to prevent violence, in particular:

- Gender mainstreaming in the peaceful coexistence training materials used in two specific products: (1) "Handbook for Implementing Peaceful Coexistence Training Guidelines through Community Peace Workers" and (2) "Handbook for Implementing Peaceful Coexistence Training Guidelines through primary and secondary school teachers and staff in student counselling departments (DECE)."
- The gender approach in these products enables peace promoters and teachers in DECE to offer tools to the communities and students they work with regarding the importance of living together in equality and without discrimination. It encourages them to end the conspiracy of silence and exercise the human right to a life free from violence.
- The prevention tool known as "Basic Recommendations for Preventing Sexual Violence against Women, Children and Adolescents," developed as a wake-up call and to avoid impunity in gender-based violence cases in shelters and in Ecuadorian coastal cities hit by the earthquake in April 2016.
- This document is divided into four sections: (1) Prevention of violence against children and adolescents; (2) Officials, doctors, psychologists, and other responders; (3) Response coordinators; 4) Referral of unaccompanied children and adolescents.[11]
- The handbook entitled "A Life Free from Violence. What to do and how to act when faced with situations involving gender-based violence." The main purpose of the handbook is to provide tools for people confronted with gender-based violence or who know of some such case.[12]

Access to criminal justice

56. By end-2016, Ecuador was managing to consolidate its comprehensive response model with 226 centres for the reception of complaints throughout the country. In cases involving gender-based violence, the response included scheduling comprehensive expert appraisals nationwide by forensic physicians (62), psychologists (41) and social workers (36).

57. Since 28 January 2015, the Office of the Attorney General has also been implementing its Institutional Strategy on Gender-based Violence aimed at building capacity to address crimes in which the victims are predominantly women, children and adolescents. A major milestone in institutional public policy was the establishment through resolution No. 043 of public prosecutors' offices specializing in gender-based violence and mandated to apply constitutionality parameters. By December 2016, the Office of the Attorney General had consolidated 76 of those specialized offices, with their respective teams, nationwide.

58. Another was the adoption of the Latin American Model Protocol for the investigation of gender-related killings of women (femicide/feminicide) developed

[11] Available to the public from http://www.funcionjudicial.gob.ec/index.php/es/component/content/article/532.html.

[12] Available from http://funcionjudicial.gob.ec/pdf/MANUAL%20UNA%20VIDA%20LIBRE%20DE%VIOLENCIA.pdf.

by the United Nations High Commissioner for Human Rights (OHCHR) and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women).

59. In connection with the Government roundtable on Public Policy for the Equality of Sexually Diverse Persons, the Council of the Judiciary, together with the Office of the Attorney General, the Ministry of the Interior and the Ministry of Justice, is coordinating the work of the subcommittee investigating violent deaths. In 2016, for the first time, Ecuador managed to investigate, prosecute and punish violent deaths of sexually diverse persons.

60. As a result of the establishment of the Institutional Commission to Combat the Offence of Trafficking in Persons, the Office of the Attorney General is managing to build a crime news register that includes variables related to the characteristics of each legally defined offence, thereby facilitating protection measures tailored to each group of victims.

61. In the investigation and prosecution group headed by the Office of the Attorney General under the National Plan to Combat Trafficking in Persons, it creates synergy in terms of an effective response to the detection of victims and appropriate investigative processes. In addition, the National System of Protection and Assistance to Victims, Witnesses and Other Participants in Criminal Proceedings (SPAVT), run by the Office of the Attorney General, has Rules of Procedure governing, regulating and limiting its intervention issued through resolution No. 024 of 1 April 2014, which include the reflection period for victims of trafficking in persons. SPAVT relies on institutional care services and special protection infrastructure provided by the Executive Branch.

62. Within the framework of the Inter-Agency Cooperation Agreement between the Ministry of Public Health and the Office of the Attorney General, the two agencies worked together on drafting the protocol and the forensic medicine report tool for victims of sexual offences as well as the health-related technical standards.

63. As of 2014, when the Comprehensive Organic Criminal Code entered into force, the Office of the Public Defender established the Victims Support Unit for cases of violence against women in the provinces of Pichincha and Guayas. In 2014, the Office had 162 such Units nationwide. They provided 353,636 care services, 29,394 of them (59 per cent) for women.

64. In 2015, the Office expanded its services to 178 units nationwide. They attended to 256,864 cases, 54 per cent of which involved women (138,706 women in domestic violence cases).

65. It also designed the 151 hotline offering free legal counselling nationwide. Approximately half the (25,417) calls were from women.

66. Another service provided involves "Mobile Units", which aim to provide legal counselling in rural areas. They served 2, 500 people in the province of Pichincha, half of them (1,250) women.

67. The Office of the Public Defender has drawn up and disseminated a Care Protocol for Cases of Violence against Women and the Family. In coordination with the Council of the Judiciary and the Office of the Attorney General, it also established a compliance with due process monitoring and evaluation system.

68. The overall budget for the Office of the Public Defender, covering all sponsorship and counselling services, totalled US$36,558,667 in 2014 and US$38,271,800 in 2015.

(d) To ensure that a sufficient number of State-funded shelters are available to women who are victims of domestic violence and their children and that such support services as counselling and rehabilitation are fully accessible to women living in rural and remote areas and to women with disabilities.

69. An investment project has been under way since 2009 to co-finance comprehensive care centres and shelters for women victims of gender-based violence, as part of what was programmed to become a protection system within the framework of the National Plan to Eradicate Gender-Based Violence Against Children, Adolescents and Women.

70. In 2014, when it began coordinating PNEVG, the Ministry of Justice, Human Rights and Worship implemented the project entitled "Strengthening of Care and Protection Centres for Children, Adolescent and Women Victims of Domestic and/or Sexual Violence and Sexual Exploitation in Ecuador," by signing cooperation agreements with civil society organizations with ample experience of providing care and protection services to victims of domestic and gender-based violence. Between 2014 and 2016, it increased the number of comprehensive care centres from 14 to 28, while maintaining the five shelters (annex 6), as follows:

- In 2014, there were 19 organizations: 5 shelters and 14 comprehensive care centres, in 13 provinces of Ecuador. Through them, 93,551 services were provided to 17, 314 direct and 56,633 indirect users. The budget allocated was 1,750,009.89.
- In 2015, agreements were signed with 24 entities (22 civil society organizations and 2 decentralized autonomous governments) for 5 shelters and 22 comprehensive care centres, in 14 provinces in Ecuador. The number of services provided totalled 153,568 and the user numbers for that year were: direct, 21,131; indirect, 102,984. The 2015 budget was 3,102,149.00.
- In 2016, cooperation agreements were signed with 23 organizations: 5 with shelters and 18 with comprehensive care centres, in 14 provinces. There were 33 service units (28 centres and 5 shelters). The number of services provided totalled 124, 464 (36,626 direct users and 95,120 indirect users). The budget allocated was 2,132,965.00 (annex 7).
- In 2016, two care models were approved and published under MJDHC Ministerial Agreement No. 1343 of 26 October 2016:

  (a) "Care Model for Shelters for Women Experiencing Violence", designed to improve the quality of services, using a human rights, intercultural, disabilities and gender approach in response to the widespread problem of gender-based violence; and

  (b) "Comprehensive Care Model and Protocols for Centres attending to Children, Adolescents and Women Victims of Domestic and/or Sexual Violence", designed to ensure comprehensive care and protection for women, children and adolescents suffering, or who have suffered, violence, as well as reparation for the violation of their rights (annex 8).

71. As of 2016, the budget allocated to Centres and Shelters ceased to be considered an investment project and became a regular current expenditure item in this government portfolio, thereby ensuring the continuity of these services.

72. Along those same policy lines, Ministerial Agreement No. 870 of 3 March 2015 established the National Directorate of Domestic Violence and Gender, designed principally to "guarantee the provision of specialized care to victims of gender-based and domestic violence by applying the provision of services

management model used by Comprehensive Care Centres and Shelters." Under that mandate, it is organizing the provision of specialized care for victims of gender-based violence.

73. In addition, through the Ministry of Economic and Social Inclusion, the Ecuadorian State provides a series of shelter services, including one specifically for adolescent victims of trafficking for sexual exploitation purposes and another for victims of sexual violence. There are also Specialized Special Protection Services (SEPES): 55 units providing psychological care and social work assistance for persons of all ages who are victims of violence and other kinds of violations of their rights. Both services are provided nationwide.

Recommendation contained in paragraph 33

74. The Committee recommends that the State party:

(c) Decriminalize abortion in cases of rape, incest and severe foetal impairment, in line with the Committee's general recommendation No. 24 on women and health

75. Ecuador embraced the challenge of adopting a new Comprehensive Organic Criminal Code in 2014. In that Code, there are two circumstances in which abortion is not punishable: the first is if it is practiced to avoid endangering the life or health of the pregnant woman and if that danger cannot be averted by other means, and the second is when the pregnancy resulted from the rape of a woman with a mental disability. In both cases, the abortion must be performed by a doctor or other trained health professional and it requires the consent of the woman or, if she is not in a position to grant or deny it, by her spouse, partner, close family friends or legal representative.

76. As regards the Committee's recommendation on the decriminalization of abortion also in cases of rape, incest or severe foetal impairment, the National Assembly is currently analysing the bill presented by the Office of the Public Defender submitted in July 2016 as a Draft Organic Act to Amend the Comprehensive Organic Criminal Code (COIP).

77. The Legislative Administration Council assessed this draft in July 2016 and forwarded it for processing to the Standing Committee Specializing in Justice and the Structure of the State. The initial debate report for this draft is still pending. The draft Act envisages amending article 150 of COIP by replacing subparagraph 2, which establishes cases in which abortion would not be punishable, with "If the pregnancy is a consequence of a rape, statutory rape, incest, or insemination without the consent of the woman."

78. At the same time, concern with the issue of abortion, has not been restricted just to the generation of law; it has also been addressed in other spheres and from other angles. Thus, in a comprehensive sexual and reproductive health context, the Ministry of Public Health agreed, through Ministerial Agreement 5195, published in Supplement 395 of the Official Gazette of 12 December 2014, to approve the Clinical Practice Guidelines entitled "Therapeutic Abortion Care." These Guidelines, which are in effect and applied in all health services, seek to provide and guarantee care, diagnosis, evaluation and timely treatment of therapeutic abortion, in such a way as to lower the maternal morbidity and mortality rate in Ecuador and improve the health care provided to women undergoing therapeutic abortion.

79. Likewise, in Ministerial Agreement 5198, published in Special Edition 321 of the Official Gazette of 20 May 2015, the Ministry of Public Health approved publication of the "Technical Standards for Comprehensive Care in Gender-Based

Violence Cases," which are being applied by health care operators and contain mandatory provisions for guaranteeing the administering of oral emergency contraception in cases of sexual violence in order to prevent pregnancies resulting from that type of violence.